

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

August 19, 2004

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, August 19, 2004, at 1:00 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Ronald Marnell, Chair; Morris K. Dunlap, Vice-Chair; James Barfield (In @ start of item 3); Darrell Downing; Bud Hentzen; Elizabeth Bishop; M.S. Mitchell; Harold Warner Jr.; Gary K. Gibbs. Frank Garofalo; John W. McKay Jr.; Bill Johnson; Bob Hernandez and Denise Sherman were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Supervisor; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely, Associate Planner; David Barber, Land Use Supervisor; and Rose Simmering, Recording Secretary.

❖ **PLANNING COMMISSION ITEMS**

1. Approval of July 8, 2004, and August 5, 2004 meeting minutes.

MOTION: To approve July 8, 2004 and August 5, 2004 MAPC meeting minutes.

DUNLAP moved, **DOWNING** seconded the motion, and it carried (8-0).

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2. **Case No.: DR2004-04** – Request McAdams Neighborhood Rezoning Initiative (target area located south of 17th Street, west of Hydraulic, north of Murdock/8th Street and east of Washington)

In June 2003, the Wichita City Council adopted the *McAdams Neighborhood Revitalization Plan* to serve as a blueprint for the revitalization of this unique neighborhood. The current zoning pattern for the McAdams neighborhood dates back over 50 years, and reflects a different vision for most of the neighborhood than has been identified in the recently adopted *McAdams Neighborhood Revitalization Plan*. One of the priority action items identified in the Plan is the creation of a zoning approach that better reflects existing land use and future redevelopment opportunities

The McAdams Neighborhood Rezoning Committee, consisting of neighborhood and city representatives, has recently been formed to help recommend a new zoning scheme for the McAdams neighborhood, specifically within the following area: **17th Street on the north, Hydraulic on the east, Murdock / 8th Street on the south, and Washington on the west.**

Work began on the McAdams neighborhood-wide rezoning initiative in April of this year. An inventory and analysis of existing land uses and zoning was completed in May 2004. The Rezoning Committee subsequently completed a preliminary rezoning scheme that was presented at two neighborhood public meetings held on June 24th and June 26th at the McAdams Recreation Center. Letters were sent to all affected property owners advising of the rezoning initiative and inviting them to attend the neighborhood meetings. Copies of the existing zoning and proposed rezoning were also made available at two business establishments located within the McAdams neighborhood.

On August 2, 2004, the final proposed rezoning scheme was presented to members of the District I Advisory Board, who unanimously approved the proposal. On August 5th, the proposed rezoning scheme received the endorsement of the Advanced Plans Committee.

Most residential properties currently zoned "B" would be rezoned "SF5". Those properties containing duplex, four-plex or apartment-type residential building or other types of uses would be rezoned to a zone that better fits the use ("TF3", "MF18" or "MF29"). Areas targeted in the McAdams Plan for future single family attached or two family home infill developments would be rezoned "TF3". This rezoning initiative is voluntary. Every property owner in the target area will be given ample opportunity up to and including the public hearing to request that the existing zoning for their property remain as is.

It is the recommendation of staff that the Metropolitan Area Planning Commission indicate its support for the final rezoning scheme proposed by the McAdams Neighborhood Rezoning Committee, dated July 19, 2004, and schedule a public hearing on **October 7, 2004 at 12:30 p.m.** pursuant to State Statute to receive formal public comment and consider adoption of the rezoning scheme as an amendment to the Wichita-Sedgwick County Unified Zoning Code.

DAVE BARBER Planning staff presented report.

DUNLAP Have you had a response from property owners? What is the general attitude? I am going to support the project and I think it fits very well with what is happening over in midtown. I am concerned about those people that are living there that may not know what is happening to them.

BARBER The response has been very positive. I think there were about 35 people come out to the public meeting on June 24th and we had another 12 come out on June 26th and they have all been very supportive. We had a couple of prominent property owners show up as well who say they support this project. We have no opposition at this point.

MITCHELL How did the multi-family zoning get over such a large area for very little or no use of that type of zoning in that area?

BARBER It goes back at least 50 years prior to the urban renewal days in the 70's. Even the Urban Renewal Plan had not targeted this particular geography for such high intensity residential use.

MOTION: To set a public hearing for October 7, 2004, 12:30pm.

MARNELL moved, **BISHOP** seconded the motion, and it carried (8-0).

3. City of Wichita and Sedgwick County Flood Control Policy, presentation Dale Miller, Current Plans Supervisor.

DALE MILLER Planning staff presented copies of materials that are every page out of the Subdivision Regulations that have anything to do with drainage or flooding. As a result of the recent case that we had with the YMCA, there were a number of questions about how drainage and flooding is handled, on a policy basis, by both the City and the County, so it was felt that this was appropriate to maybe have a workshop. To get that process started, a copy of all those pages have been put together so that if you are interested in looking and seeing what is in the Subdivision Regulations, I have highlighted those sections.

Also, attached in that same paper clip set, and at the very back, the last two pages, is the Wichita-Sedgwick County Backyard Drainage Policy that is in effect. Also, there is another set of documents, Chapter 27.04 containing the Flood Damage Prevention Code. Mr. Weber has provided a copy of the Sedgwick County proposed Drainage Code, and I will let him speak more to that in terms of where it is in the process of being approved, and how it is actually used.

DUNLAP Yesterday at the County Commission hearing they initiated a plan to look at an overall county-wide drainage plan. Does this supercede or does this precede what they are trying to do? Are they aware of what is being presented here today?

MILLER These are things that are in place and being used today.

DUNLAP So there is no coordination with what they started doing yesterday and what we are doing here today?

MILLER This is perhaps what could be viewed as the initial review of how we handle things now, and where one would expect to go based on that direction yesterday. John may have more insight on that.

SCHLEGEL We are going to probably wind up talking to the County Commissioners more about the direction that they were trying to give yesterday. Normally on Tuesday mornings they will have a Staff - Commission workshop. I have asked to be placed on the agenda next Tuesday since there will not be a City Council meeting that day, and try to flush out a little more about what they would like us to do as staff in addressing those concerns.

MILLER Essentially, on a project level basis, when someone submits a plat that comes into the Planning Department we distribute copies of that plat to a whole bunch of people that review it; among those are folks from the Engineering sections. Obviously if it is a plat in the City of Wichita, then it would go to City Public Works; if it is a plat that is in the County, it would go to County Public Works. It is sent to them for them to review, and we have a comment in our staff report that is presented at the Subdivision Committee where we ask the appropriate representative from whichever entity has the responsibility, what they want to do with the drainage plan. Typically, the applicant submits a drainage plan with the plat or at some point in the process, and it is reviewed by either one of those departments, and it is either approved or tweaked until it is approved. Ultimately, the plat does not move ahead until there is an approved drainage plan by the engineer, and then that would move ahead as a condition of approval with that plat, and then it goes to MAPC and the appropriate Governing Body. That would be the project level where there is a specific lot or piece of property that is being reviewed.

There is a bigger picture or section that has to do with policy on more of a global basis. On the City side there is a separate part of Public Works that has been responsible for looking at those kinds of issues that are not directly related to a site, but to drainage in general. I will leave that to Chris and Jim to discuss how that works in their respective departments. There is review with every plat, and also a trigger with building permits that the Drainage Plan be reviewed if they meet the minimum requirements, as required by the regulations.

JIM WEBER County Public Works What Chris and I have decided to do is a Power Point that we have presented, I think two years ago, July 2002, on the Flood Plain Management Resolution/ Regulations / Ordinance. We need to clean up the language to match the FEMA guidelines. We want to revise the regulations on the establishment of freeboard and floodplains. Freeboard is a safety factor, which is a vertical distance from the expected flood elevation to the lowest opening of a building. This is the primary way to compensate for the unknowns in flood modeling or unexpected events that occur during floods.

BISHOP This is the best delineation (referring to a diagram shown by Mr. Weber) that I have seen of the difference between the floodway, floodplain, and the floodway fringe and so forth. I had also assumed the floodplain was what is referred to as the floodway fringe in this area. The floodplain is the entire thing, which encompasses the actual floodway, and I did not know that.

WEBER This drawing does a good job.

MITCHELL It is not a very appropriate depiction of the relationship of floodplains in this area because that would indicate that you are able to fill approximately 1/2 of the flood depth from that normal stream vertically, and in this area you have eight to 12 foot depth at the stream bed, and then you have a floodplain that might be 1/2 mile wide and 2 1/2 feet deep.

WEBER This is not to scale, and has nothing to do with anything in the real world except for how they relate to each other. This is a good way to get an understanding of how it all comes together and works. At least up to now, our freeboard requirement was one foot in areas where they had detailed studies done. We require three-foot of freeboard, and out in the County we get the places

where it didn't make sense for the Federal folks to do runs and study everything. There are not enough houses and people out there, but they made some estimates. Out in those floodplains we have been using three feet of freeboard off of elevation.

The approach we took then on this Resolution that you have in front of you is that we said the City of Wichita wants to increase the freeboard in the Cowskin; we think it makes sense to do it everywhere. We went ahead and changed that freeboard from one foot to two-foot any place that there is a detailed study. After every storm we have sent people out to survey high water marks to try and find if there is a new and unexpected elevation some place. If it is an area where we have a high water mark, and there is not a detailed study, we will go off that high water mark, but again we are going to add three-foot of freeboard.

FEMA has some approved methods of estimation, and this Resolution will allow us to use those approved methods of estimation, and this Resolution will allow us to use those and add three-foot of freeboard to those to establish a minimum building pad estimation. They are still saying one foot in areas with detailed studies. Again things around the City are probably more defined and less concerned about the total of the changes in the floodway.

BISHOP You said that you could fill within the floodway fringe legally up to one foot?

WEBER You can fill until the floodway elevation on that piece in the middle (referring to the diagram) goes up one foot based on federal law and local regulation.

BISHOP Which supercedes?

WEBER The local regulation has to match up with the federal law. Now we could do more restrictive things, but we can't do less restrictive.

BARFIELD You stated this was before us two years ago, and you said the Division of Water Resources usually takes 90 days, I don't understand.

WEBER We were talking about this two years ago, and again, I think I was here at the Planning Commission, I don't remember. I know we did this for the County Commission. A year ago the County rearranged where Floodplain Management occurs. We have moved the Floodplain Management technician out of Public Works and over into Code Enforcement.

BARFIELD When was this submitted to the Division of Water Resources?

WEBER This resolution is dated June 16th and submitted to them June 21, 2004.

MITCHELL The heading for what we are here today is called a Flood Control Policy. This is really not flood control, this is really floodplain management, and there is a big difference, in my opinion. What we are really doing is trying to say we will leave things alone in certain areas and let you do something with the floodway fringe. That puts a lot of responsibility on what happens in the floodway, and how well maintained it is, as far as being able to convey the floodwaters.

WEBER I agree with that.

BISHOP The policy that exists basically says that anything in the floodway fringe is developable, but this gives you requirements in terms of how you document what your displacement is likely to be, and how high you will have to go in order to prevent whatever is built there from being in jeopardy.

WEBER The documentation that is required to do this is really set by FEMA policy more than it is by us. There are standard models that are used all across the country, and you have to prove to them that the software that they are using will match what their software is doing, and then you can play around with the calculation.

CHRIS CARRIER Interim Public Works Director and Ex Stormwater Engineer Today when we talk about drainage there are two parts; one is volume and flooding which is what the Flood Plain Management program is all about. The second part of it is stormwater quality, and sometime there is a conflict between those two things. Wichita's Floodplain Management requirements are basically the same as the County's, and that does a good job.

If you owned land on one side of that floodplain, and for somebody to tell you that you couldn't do anything with that land, I think, most of us would agree that is a taking. To avoid that total taking concept they came up with this concept where you are allowed use to some reasonable point. What is reasonable? They decided this one foot approach was reasonable.

Things that are outside of the floodplain and not in a defined floodplain, the storm sewers that we put in our subdivisions that carry water off the streets, those kinds of systems that are not addressed by this.

The City of Wichita has some policies. Most of our consultant engineers know that there are some guidelines that were put out in the mid-1980's that we are still following today that talks about the size of the storm drain systems that should be put in, and what kind of flow they should be able to consider. We have problems. Every community has problems, but by and large the policies that we have in place now do at least as good as a lot of communities do with what they are intended to address.

I know that everyone gets frustrated with drainage from time to time. First of all is the concept of degree of risk. We have to ask ourselves, what degree of risk are we willing to accept when it comes to drainage and flooding because to everybody that is something different. There are people that live down on the Cowskin Creek that love to live where they live, and they are willing to accept some flood risk. As a community what degree of risk should we expose our citizens to that live in this community? Part of that is if I am in government, and you are the Planning Commission, what level of service should we provide our citizens? Do we want to protect them from 100-year flood? Do we want to protect them from 20-25 year flood or not protect them at all?

Designing storm sewers and drainage systems to stop flooding can always be done if you throw enough money at the problem. If the Wichita City Council and the Board of County Commissioners give us enough money that we need, and the people that we need, I know we could solve the flooding problems that are out there. This level of service comes back to what can the taxpayers of a community afford? They can't afford drainage systems that are big enough to take every conceivable storm and flood that we have because of the cost.

Increasing this freeboard over at the County, do we really know what a 100-year flood is? We go through all kinds of engineering analysis, and if you are in this business you know that many times you are using proven methods to estimate values. You are doing the best you can with what you have. There are many streams that don't have a stream gauge.

Different rainfalls can result in vastly different flood events, and I think we are seeing some of that out in the Cowskin Creek as time goes on since the Halloween flood. People will tell you there have been five significant events since the Halloween flood; we are getting flooded more and more, and I don't know why. It is dependent on how much time did it take for the rain to fall. Was it 2 inches in one hour or 2 inches over 8 hours, and what were the conditions like before the rain started. Was the soil dry, or wet? Are the lakes full? Do the lakes absorb any of that run off over time? So you can get the same storms with drastically different results, and we try to put all of that together and project out what we think is going to happen in 100 years.

There are issues that we need to work on, backyard drainage. One of our biggest problems there is that we don't know what a homeowner is going to do with the backyard until after the house is sold and they have moved in. There is some feeling in the community that the City should regulate that. We also have a need for the City to put out a more Comprehensive Drainage Design Manual that gets into a lot of these issues, and how are you going to calculate run off, how are you going to calculate flood levels and details that floodway area, that is shown in the middle there (referring to a diagram). One of the water quality considerations today is the value of buffer zones and what that does to improve water quality to have some kind of natural buffer zone between the development that occurs in the floodway fringe, and the actual stream channel itself. There are a lot of questions in that regards. I would like to see more neighborhood master planning.

Lastly, money is a critical issue. When the Wichita City Council considered the CIP, where we had several drainage projects listed in there, and 10 of those projects did not get funded because there was an element in this community that did not want to pay that much to solve drainage problems. So we have to find that balance.

MITCHELL On a current subdivision plat, assuming there was a floodway fringe on either side of a floodway which is covered by a floodway reserve, can you give me some of the language that is in that reserve having to do with maintenance and operation?

CARRIER Normally, what I have seen in the past is the maintenance of those reserves is the responsibility of somebody. It can either be a Homeowners Association or in some cases it might designate the owner of a given lot or two lots and that runs that way until the City or the County elects to take over the maintenance of that facility. Is that what you are referring to?

MITCHELL Is there also a provision in which, if maintenance isn't done, it can be done and charged to the entity?

CARRIER I've seen that in some instances. I don't know that is necessarily true in all of them.

MITCHELL Has that provision ever been exercised?

CARRIER We have. We had a situation down in Town Park three or four years ago where the owner of the lot was to maintain a storm water detention facility, did not maintain that facility, and we did move in and do that and billed the responsible party. The Law Department got involved and negotiated a settlement and the end result was that they did pay a good portion of what we billed them for that maintenance work.

BISHOP Can you explain what your concept of watershed planning would be?

CARRIER I think we all know what watershed planning is, and I think to a great degree the floodplain management approach is a form of watershed planning. Because to do what you are doing there, you have to look at the entire watershed. It depends if you are talking about flood volume, water quality, or what? When I talk about neighborhood master plans, I am talking about watershed planning to a great degree; where you look at the entire watershed and you make decisions based upon what is likely to go on in that entire watershed.

DUNLAP I was in a meeting where you previously talked about a stormwater run off tax. I want to ask since new subdivisions are not creating flooding, because we have new standards, assuming that is the case, and we still have street flooding, is the stormwater run off tax that everyone is paying today being used to take care of the existing flooding areas or is it being expended in other areas?

CARRIER We hope that policies that we have in place, and the policies that we put in place in the future will be adequate enough to take care of new subdivisions and new development. We spend a lot of our stormwater money on situations in older areas of town where the drainage isn't what the drainage ought to be. But we do on occasion go out in the new areas where someone has a backyard drainage problem, and try to help them solve that. If it is a fairly new subdivision, I refer that situation to the Builders Association and let them analyze it to see if they can help the individual with the problem.

DUNLAP We are working with a old bubble here and someday in the future that bubble will go away, and we won't have the same degree of flooding problems that we are experiencing today. For example, West Street and Douglas floods, we have stormwater run off money that we are using to take care of that flooding situation. At the same time we are developing out around 119th Street, and that is not creating new flooding because of the backyard and the drainage plans that are required on subdivision plats today that were not required when Douglas and West Street was put together. So at some point we are going to fix Douglas and West Street, and we are not going to create any more problems; we will not have the degree of flooding that we are currently experiencing in our community is that valid?

CARRIER No, I don't think you will ever get me to say that. You often hear people say that new development, the run off from new development, will not exceed the run off before development because that is our policy. I want to qualify that. Unless you have stormwater retention where you are actually truly retaining water on a site and never letting it off, you can have that. You will never hear me argue that more asphalt and more rooftops don't create more run off because it does. That water is going to go somewhere. What we try to do with our detention policy is make sure that the peak of that flow, which is what determines who floods, and who doesn't. The peak of that flow will not be any higher after than before. Now, in all likelihood you will still get more run off, but your peak isn't going to be any higher. It is management of that excess water.

DUNLAP Can you put a year on that Halloween Flood?

CARRIER That flood was in 1998.

MITCHELL As I recall the street policy is that we want to hold a two-year storm within curbs, and 100-year storm run off in the public right-of-way. I think there is a misconception that if we have any storm that is greater than a two-year frequency storm we are going to have what people call street flooding. It is not likely that we are ever going to get to a standard that materially exceeds that. You are going to have water from curb to curb within street right-of-way anytime you have a storm that is greater than two-year frequency.

CARRIER I agree.

BISHOP For the first time yesterday during the County Commission meeting I heard the term borrow pit. At one time there was proposed what we commonly refer to as a retention pond, and the Engineer said no, that is not going to be the function of the design to function as a detention pond; we had intended that to be a borrow pit. Because what they were going to do was borrow the dirt from that location and use it for fill for pad sites. Are detention ponds that seem to be part of every application that we see actual detention ponds? You have given the explanation about the peak area and if there is still run off.

CARRIER I went out after the Halloween Flood in the Cowskin Creek basin, and I walked that and I looked at every lake, not south of Kellogg but up through the developed areas of Wichita, and I am going to guess at these numbers now. But if I looked at 20, there were two that were really detention lakes. So what you heard is not every lake has detention capabilities in it. You can have detention facilities that are what we call "wet" or there is a permanent lake there. But above the permanent lake there is detention there, and some times you have dry detention so it is dry all the time but fills up during the storm. We don't have to many of those in town.

WEBER The primary reason they don't want to take credit on that one for detention is because it was done in the floodplain and would flood out, and for detention to occur it would need to be up out of the flood plain so that it will catch the upland flows and let those out, but this one was down in the bottom of the floodplain and once it floods out it is just part of the floodplain.

CARRIER In that case you can get detention sometimes and not at other times.

MARNELL It would be my assumption that there is not a single parcel of land in this County that is not in a watershed. So we throw these terms around loosely, and watershed is all the surface in the County so there are only certain areas where we have specific flooding problems, and I would hope people are cautious in what they do as we move towards regulations. On this picture that you have here the one question I have is, what is the incremental effect?

CARRIER The models that are used to do this take that into account. They are a dynamic type of model where it starts at the lower end and analyzes what happens in this reach and adds what happens to that reach, to that reach, etc. clear to the end of the study so that those limits that are set to a great degree are set right there, and the elevation that you have to build to right there really depends on everything that is going on downstream of that particular site. It is not just a snap shot of one place and time, but it considers the whole floodplain.

MARNELL This almost seems like a circular equation because you allow this person to do what they did right here, and they are legitimate and their freeboard is the one-foot, so they are fine and dandy. So does that mean that everybody down stream is restricted? This thing moves in the opposite direction.

CARRIER That's why we are glad there are computers because in the old days when you had to do this by hand it was never ending. I am not going to tell you that it is a perfect system but it is the best tool we have today.

MITCHELL The assumption that is made with the floodway fringe and the floodway concept is the entire floodway fringe from the beginning of the stream up to the end of the study, every square inch of that floodway will be filled. It is not a matter of filling in this place, and then finding out what happens when you fill in the next one.

CARRIER That very seldom happens. Unless you are in a new development situation at quite some distance upstream and downstream you are never going to see that.

❖ **SUBDIVISION ITEMS**

Items 4-1 to 4-3 may be taken in one motion unless there are questions or comments.

4. Consideration of Subdivision Committee recommendations

4-1. **SUB2004-52 – Final Plat – JESTER CREEK ESTATES ADDITION, located on the northwest corner of 117th Street North and Meridian.**

NOTE: This site is located in the County in an area designated as “rural” by the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. The Applicant shall meet with **County Code Enforcement** to discuss construction constraints on lots in flood zone.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. In accordance with Access Management Regulations for County plats, complete access control is required for arterials intersecting with collectors and local streets. Complete access control of 150 feet is needed along Valley Farms from 117th St. North.

The requested access controls have been platted.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- F. In accordance with Access Management regulations, a major street intersection right-of-way is needed along with an additional 25-ft x 25-ft corner clip at the intersection corner.

The major intersection right-of-way has been platted as requested.
- G. The applicant shall guarantee the installation of the proposed streets.
- H. Per **Sedgwick County Fire Department**, access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) To meet fire department specifications, the surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
- I. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lots 3 and 4, Block 3. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. **The Subdivision Committee has approved this modification.**
- J. **GIS** needs to comment on the plat's street names. **The street names are approved.**
- K. The Applicant needs to contact the pipeline company to determine requirements for protection or relocation of the line.
- L. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the County.
- M. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- U. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Westar Energy has requested additional easements.
- V. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **DOWNING** seconded the motion, and it carried (9-0).

4-2. **SUB2004-94 – One-Step Final Plat – KDMM ADDITION, located on the north side of 53rd Street North, east of Tyler Road.**

NOTE: This site is located in the County within three miles of Wichita's boundary. It is located in an area designated as "rural" by the Wichita-Sedgwick County Comprehensive Plan. The site has been approved for a zone change (ZON 2004-11) from RR, Rural Residential to NO, Neighborhood Office subject to platting. It is located in the Maize Area of Influence.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. County Engineering needs to comment on the status of the applicant's drainage plan. A drainage plan and four-corner lot grading plan are needed.
- D. County Engineering needs to comment on the access controls. The plat denotes two openings along 53rd St. North. County Engineering has approved two openings. The Applicant shall meet with County Engineering to discuss the location of the two openings.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- F. Per Sedgwick County Fire Department, access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) To meet fire department specifications, the surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
- G. The City Council certification needs to be added, as this plat is located within three miles of the City of Wichita.
- H. The Applicant is advised that if platted, the building setback may be reduced to 20 feet.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **SBC has requested additional easements.**
- R. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **DOWNING** seconded the motion, and it carried (9-0).

4-3. SUB2004-65 – (Associated with ZON2004-36) - Final Plat – LAKE VISTA SECOND ADDITION, located west of 215th Street West and on the south side of 21st Street North.

NOTE: This site is located in the County in an area designated as "rural" by the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan. The Applicant proposes a zone change from RR, Rural Residential to SF-20, Single-Family Residential to allow for the lot sizes being platted.

STAFF COMMENTS:

- A. This plat will be subject to approval of the associated zone change and any related conditions of such a change. Prior to this plat being considered by MAPC, the zone change will need to be approved.
- B. Since sanitary sewer is unavailable to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. **A memorandum shall be obtained specifying approval of the proposed individual alternative sewer system from County Code Enforcement along with a maintenance agreement.**
- C. The site is currently located within the Sedgwick County Rural Water District No. 4. If service is available, feasible and the property is eligible for service, County Code Enforcement recommends connection.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. County Engineering needs to comment on the status of the applicant's drainage plan. **A drainage plan has been provided.**
- F. The plat denotes complete access control along the 21st St. frontage. **Access controls are approved.**
- G. In accordance with Access Management Regulations for County plats, complete access control is required for arterials intersecting with local streets. Complete access control of 75 feet is needed along Cornelison from 21st St. North.
- H. Per Sedgwick County Fire Department, access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) To meet fire department specifications, the surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).

- I. The applicant shall guarantee the installation of the proposed streets.
- J. **GIS** has requested the street be denoted as "Trail End Dr".
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **SBC has requested additional easements.**
- T. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

BISHOP Condition B states "A memorandum shall be obtained specifying approval of the proposed individual alternative sewer systems from County Code Enforcement along with a maintenance agreement." Has that been provided?

LONGNECKER I believe it has.

BISHOP "County Engineering needs to comment on the status of the applicant's drainage plan. A drainage plan has been provided." Has that been approved?

LONGNECKER I am not aware of the status.

MOTION: To approve, subject to staff comments and citing the findings in their report.

DUNLAP moved, **MARNELL** seconded the motion, and it carried (8-1) **BISHOP** opposed.

❖ **PUBLIC HEARING — VACATION ITEM**

5.1 VAC2004-33 – Request to Vacate a Platted Setback, located between MacArthur Road and 47th Street, west of Seneca.

OWNER/APPLICANT: James Fox (owner) Richard & Jacquelyn Bendit (applicants)
Kevin Patrick (agent)

LEGAL DESCRIPTION: Vacate the west 15-feet of the platted 30-foot street side setback as recorded on Parcel #2, the E1/2 of Lot 3, Block C, Vilm Gardens 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between 47th Street South and MacArthur Road, more specifically on the southwest corner of the 43rd Street South and Dodge Street intersection.

REASON FOR REQUEST:

Allow additional space to build a duplex.

CURRENT ZONING:

Subject property and properties north, south and west are zoned "MF-18" Multi-family Residential. Properties north and east are zoned "SF-5" Single-family Residential

The applicant is requesting vacation of the west 15-feet of the platted 30-foot street side setback. This setback runs parallel to Dodge Street on the east side of the Parcel #2, the E1/2 of Lot 3, Block C, the Vilm Gardens 2nd Addition. Parcel #2 was created by a Lot Split of Lot 3, Block C, the Vilm Gardens 2nd Addition February 2, 1998. The approximately 10,458.30-square foot site (71-feet (x) 147.5) is a corner lot, with the front yard running parallel to 43rd Street South and, as previously mentioned, the street side yard running parallel to Dodge Street. The applicant proposes to build a duplex on the site. The Unified Zoning Code's standard for a street side yard setback for the "MF-18" zoning district is 20-feet. The UZC's standard for a street side yard setback for the "TF-3" Two-family residential (duplex) zoning district is 15-feet. The "TF-3" street side setback is the same as the UZC's standard for the "SF-5" zoning district. Development within the area's "MF-18" zoning is primarily as single-family residential with a few duplex and four-plex residences. There are no franchised utilities, water or sewer in the setback. The Vilm Gardens 2nd Addition was recorded July 27, 1953. It has been brought to Staff's attention that this area was one of several hit by a tornado in the 1990s and that there has been infill redevelopment in the area.

There were protests to the vacation of the street side set back. Issues included:

- (a) The proposed duplex not lining up with the protesting house on the property to the south. **The protesting single-family residence south of the site was built within the same platted 30-foot setback on a 0.48-acre lot. The applicant's site is an approximately 0.24-acre site.**
- (b) The proposed height of the duplex. **The MF-18 zoning district allows 45-foot maximum height, although the applicant has not indicated that he would build to this height.**
- (c) The location of the front yard, which would determine the location of the back yard and its proximity to the protesting property to the south. **Per Art III, Sec. III-E, #6 of the UZC, the front setback on a corner lot is located along the shorter street frontage, which in this case would be the 43rd Street South frontage. The unplatted rear yard setback (20-feet in the MF-18 zoning district) would be the south side of the subject site. The interior side setback is not platted and per the UZC would be 6-feet. OCI will provide written verification of this.**
- (c) The placing of the duplex up to the proposed 15-foot setback along Dodge would be a public safety issue in regards to emergency service vehicles locating the protesting property south of the site. **The Fire Department stated that the location of the duplex up to the proposed 15-foot setback would not affect their ability to provide service, as they locate property by address.**
- (e) The zoning of the subject site and abutting properties. **The zoning of the subject site and the abutting southern and western properties as stated in Staff report are "MF-18", not single family residential.**

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives, and other interested parties Planning Staff recommends approval to vacate the west 15-feet of the platted 30-foot setback as described in the legal description.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time July 29, 2004 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of a portion of the platted setback described in the petition should be approved with conditions:

- (1) Vacate the west 15-feet of the platted 30-foot street side setback on Parcel #2, the E1/2 of Lot 3, Block C, the Vilm Gardens 2nd Addition, stopping at its point of intersection with the platted easement and the platted front yard setback on the site.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be responsibility of the applicant.
- (3) All improvements shall be according to City Standards.
- (4) All conditions to be completed within 6 months of approval by the MAPC or the vacation application request will be considered null and void.
- (5) Move the proposed duplex north up against the platted 30-foot setback running parallel to 43rd Street South, away from the protesting property south of the site. **Note: The City Law Department has confirmed that we have the discretion to impose this as a condition of the vacation.**

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the west 15-feet of the platted 30-foot street side setback on Parcel #2, the E1/2 of Lot 3, Block C, the Vilm Gardens 2nd Addition, stopping at its point of intersection with the platted easement and the platted front yard setback on the site.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (3) All improvements shall be according to City Standards.
- (4) All conditions to be completed within 6 months of approval by the MAPC or the vacation application request will be considered null and void.
- (5) Move the proposed duplex north up against the platted 30-foot setback running parallel TO 43RD Street South, away from the protesting property south of the site. **Note: The City Law Department has confirmed that we have the discretion to impose this as a condition of the vacation.**

BILL LONGNECKER Planning staff. When this case was heard at Subdivision last week there were a number of protest to it. Staff has tried to address some of those issues of the protest with the comments that we have on page 2 of your staff report. We have attached supplemental materials in regards to the issues that were brought up at the Subdivision Committee. One supplemental material is the definition of the front setback on this particular lot. This lot is a corner lot, a corner lot's front yard is the short side of the lot, which would be the 43rd Street side, thus the front setback would be along 43rd Street, per definition of the Unified Zoning Code on page 159. It was also requested that staff provide a written confirmation from the Zoning Administrator in regards to the location of the front setback. Mr. Schroeder has provided that and has added that irregardless of the orientation of the proposed duplex, which in this case would have the front of the duplex facing 43rd Street South, the front setback would still be along 43rd Street which is the short side of the lot. The street side setback would be along Dodge. The rear yard setback would be along the south portion of the property and then the interior side yard would be along the west side of the property. Staff is recommending approval with conditions.

MITCHELL The balance of the lot which is the subject of this vacation is 71-feet?

LONGNECKER Correct, the size of the lot itself would 71-feet along 43rd Street and along the south end and there is 147.5-feet along Dodge.

KYLE A MORGAN, 7219 W. 1ST, Wichita, KS 67205 I was told that I was to be here to represent the proposed vacation in case there were some arguments against the proposed building going up. As far as I know the easement has been granted and we are just planning to build now.

MITCHELL What easement are you speaking of?

MORGAN There was an easement moved I believe right there along Dodge.

LONGNECKER That is a platted setback and its is along Dodge.

MORGAN Excuse me, a platted setback.

MARNELL Do you agree with the 5th Condition of moving the building to the north all the way to the setback?

MORGAN Yes, we do.

GIBBS Are you the builder?

MORGAN I am his partner.

GIBBS This duplex is going to be facing Dodge?

MORGAN Correct, one driveway will come out onto Dodge and the other driveway will lead out to 43rd Street.

GIBBS In effect the backyard is going to be the side yard. The rear of this building is going to up to that house on the west?

MORGAN Correct.

GIBBS With you using this setback and with the depth of the building that you propose how much side yard or rear yard are you going to have between the back of this patio and the house?

MORGAN I don't have those dimension on me right now. There will be more side yard here to the south, due to the fact the house is going to be moved to the north. But has far as how much yard will be between the house on the west and the proposed plan I don't really know.

GIBBS But in effect when this is built the backyard is going to be the west?

MORGAN Correct.

MITCHELL The 6 feet as shown on the sheet that we have and are those dimensions correct?

LONGNECKER I don't think they are. There is a 6-foot side yard setback, which is standard for this zoning. The idea presented to me was to move the house forward towards Dodge to allow more room on this west side rather than the minimum of 6 foot. The neighbor who lived to the south was concerned with this spacing between him and the duplex, so the applicant had agreed to move this up against the north to create more room there. But the idea was to move the setback here to allow more room between the property to the west and the duplex, more than the minimum 6-foot which would be the interior side setback.

MITCHELL Then would it be the 6 feet plus the 15 feet?

LONGNECKER There is a minimum 6 foot setback there plus the vacated 15-foot. There is not an easement in that rear yard, there is no easement along the side. The only buffer that we have would be a 6 foot side yard setback on the subject site and a 6 foot side yard setback on the property that is already developed on the west side.

MITCHELL That is the answer to the question, 6 feet from the west line of the proposed duplex to the property line on the west?

LONGNECKER Correct.

CLYDE WITSELL, 4435 S. Dodge, Wichita, KS 67217 I am the owner of the property south of the proposed duplex. Last week I presented my case at Subdivision and my understanding at that time was that the Board got it to where the duplex was going to be moved up to this setback, which I fully agreed to. My understanding was that the front of this property wasn't going to be Dodge Street but it was going to be off of 43rd Street. My question is, if he is only going to have 6-foot back yard is that allowable. His side yard is going to end up being in my front yard again. Anybody that has any kids in there they will be using my front yard as a playground. I am sure the side yard is here off of 43rd Street and I am sure they will not be playing on that side of the street. I agree with them moving the duplex up.

BISHOP I voted against this at Subdivision. My problem with this is that I think that the proposed building is too large for this site. My understanding is that it is zoned on both sides of West 43rd Street as "MF-18" Multi-family but my understanding is that most of it has been developed with single-family homes. Unfortunately the property didn't understand what all that entails in terms of creating a development that is out of sync with the zoning that goes with the land.

MARNELL Bill will you comment on the size of the back yard as it applies to the Zoning Code.

LONGNECKER The lot exceeds the minimum requirement for a duplex lot, the lot is approximately 10,500-sqaure feet. Again, per the Zoning Code the back yard is actually going to be the south side. The south side is the rear yard, with a 20-foot setback, per the Zoning Code and again with the letter from the Zoning Administrator. The interior side setback would be the west side. Because this is not a platted setback per the Zoning Code the interior side setback for this zoning district is 6 foot. I have been under the impression from the beginning and I thought it was clearly stated during the Subdivision meeting that the applicant was proposing to have the duplex face Dodge Street. Technically he is meeting the rear yard requirement setback. The issue has been the amount of setback that was going to be vacated along Dodge Street and there was some question in regards to what the zoning was for this site and other adjacent properties, which is why I've shown the zoning map for the area. Zoning within this area is "MF-18" Multi-family residential and, as stated in the Staff report, development is primarily single-family residential, which is permitted by right, and there are some scattered 4-plexes and duplexes.

GIBBS How would you determine according to the layout that we have been provided that the north end of the duplex would be construed as the front yard when the front yard to me because of the entrance it shows the house entrance to the east off of Dodge.

LONGNECKER I understand your question. I have to refer back to the Zoning Code, which has by definition located the front yard along 43rd Street South, which is the short side of the corner lot, and the street side setback would be a line along abutting Dodge Street. Regardless of his duplex's orientation, which has the front of the building facing Dodge, he is going to get a building permit from OCI identifies 43rd Street as the front yard, irregardless of the orientation of a single-family, a duplex, or multi-family structure, all which are permitted by right.

GIBBS I can see the moving of it to the extreme north is going to help the resident to the South as far as space but our plan shows there is going to be 6 feet difference from the west property line to the back.

WARNER Basically, we are supposed to deal with vacating this setback from 30 to 15?

LONGNECKER Correct.

WARNER What staff is telling us that it is appropriate under all the UZC and setback requirements and OCI and if that is the case then we don't have any basis to deny this do we?

LONGNECKER I think that's a fair assumption. But we do have protest. The citizens that are here speaking about this case now are the properties to the south. I don't see the owner to the west here today.

DALE MILLER On a vacation case you don't have to have findings. You can deny a vacation just because you want to deny it. You don't have to justify why, the fact the property was vacated and the established line sets there today you don't have to find golden rules like you would on a zoning case.

MARNELL Could the building that is being proposed be built on that lot without vacating this or is this a case in order to get it on there and comply with the setbacks this has to be vacated?

LONGNECKER According to the applicant they would need to vacate a portion of this setback to get the duplex they want on this site.

DUNLAP We have a letter from Gene and Christie Trull, which lot is that?

LONGNECKER That would be the property to the west here.

MARNELL I would like to hear from the applicant or the applicant's representative. Is the duplex that you have planned for that lot too large to fit on it because of the setback or are you being a good neighbor and trying to bring it further forward to open up what would be called the side lot distance.

MORGAN From my understanding we wanted the vacation of the lot to be a good neighbor. We are not trying to run into a lot of a trouble here. The lot is for sale. If the neighbors are completely opposed to this we want our money to get out but we don't want to sit on an empty lot. Also what we have done is that we have reduced the size of the duplex 2-foot to ensure a little more space in the yard itself. I think the proposed width of the duplex was originally 50 foot and we have cut that back down to 48 and we have asked for a little more space to move the duplex to allow everyone to be happy to the west and the east.

MARNELL The question I was asking, can you put that building on that lot without this vacation request?

MORGAN No, we cannot.

GIBBS Is that plat you have on the screen, does that show the dimension from the west?

LONGNECKER It does not.

GIBBS Does it show the dimension of the building front to back, east to west?

LONGNECKER It says it is the dimension of the building.

MOTION: To deny the vacation request.

BISHOP moved, **WARNER** seconded the motion.

BARFIELD Are you ruling out the option of possibly building a single-family dwelling on this property?

MORGAN At this point and time, we want to build this duplex or sale the lot.

MARNELL I think I am going to vote against the motion because we recently revised our regulations to allow higher density for the very purpose of not using land and we can't be on both sides of the issue. This will fit and will fit the regulations if that is waived and because of the position of this lot making that change I don't think appears to give harm in terms of setting this property off from other properties.

BISHOP I agree greater density is generally a good idea. I do believe that a building this size on that lot with a vacation of a setback will create a sore thumb for that neighborhood.

GIBBS Well, less then a block south of there, there is 4-5 of them identical to what they propose to build there. Duplexes with the garages in the front.

BISHOP They doesn't have the setbacks?

WARNER No, they face the street.

GIBBS They faces the street.

BISHOP So there is no setback in that area because they are on a private street?

GIBBS You can see the close relationship between those apartments to the south and the resident that would be to the south of the subject we are talking about.

MITCHELL I think there is a considerable difference of appearance between the neighborhood where those structures are and the frontage on 43rd Street.

GIBBS I believe all these other structures were built after the 1999 tornado.

MORGAN The ones that were built are one story duplex.

MOTION CARRIES: 5-4 **MARNELL, GIBBS, DOWNING** and **DUNLAP** oppose.

6. **Case No.: ZON2004-32** – Gretchen Arnold Request Zone change from “LI” Limited Industrial to “GC” General Commercial to allow for upper story apartment units on property described as;

Lots 163 and 165, on Douglas Avenue, Hyde's Addition, Wichita, Kansas, Sedgwick County, Kansas. Generally located on the southeast corner of Douglas and Lulu.

BACKGROUND: The applicant is requesting to rezone a 0.30-acre site from “LI” Limited Industrial to “GC” General Commercial. This is a down zoning request in which the current zoning is less restrictive than the requested zoning. The application area is located on the southeast corner of Douglas and Lulu, and is developed with a two story commercial building, built in 1925.

Purchasers of the application area plan to renovate the building for office uses on the first floor, and four apartment units on the second floor. The “LI” zone does not permit residential uses, requiring this application for a zone change. The applicant also owns the “LI” zoned parcel south of the application area, across the alley, and plans for 22 total parking spaces on the site.

All properties surrounding the application area are zoned “LI”. Numerous properties within several blocks in all directions retain legal nonconforming use status for residences. Four blocks west of the application area lies the “OT-O” Old Town Overlay district, which permits upper floor residences in “LI” base zoning. Immediately north of the application area, across Douglas, is a new infill building with a retail use, within a block of retail uses. South of the application area is a vehicle service use; east of the application area are warehouse, office, and retail uses; west of the application area are retail, warehousing, and institutional uses.

CASE HISTORY: The property was platted as lots 163 and 165 of Hyde's Addition.

ADJACENT ZONING AND LAND USE:

NORTH: “LI”	Retail
SOUTH: “LI”	Vehicle service
EAST: “LI”	Office, warehouse, retail
WEST: “LI”	Retail, warehousing

PUBLIC SERVICES: The site is located at a mid-mile location, on the south side of East Douglas. East Douglas is classified as a five-lane minor arterial at this location. Lulu is a local street.

Other normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Land Use Guide” of the 1999 Update to the Wichita/Sedgwick County Comprehensive Plan, amended in January 2002, identifies the property as appropriate for “commercial”. Likewise, the Wichita/Sedgwick County Comprehensive Plan encourages “the concentration of multi-family residential and mixed use commercial development to activity centers within the central Wichita area.”

RECOMMENDATION: Based on this information and the information available prior to the public hearing, staff recommends the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All properties surrounding the application area are zoned “LI”. The proposed office/residential mixed use is in character with numerous other mixed use office, commercial, and residential properties nearby.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be used for offices under the current “LI” zoning, but could not combine residential use under the current “LI” zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zone change from “LI” to “GC” is in effect a “down zoning” to a more restrictive category. The requested zone change should have no detrimental affect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Rezoning to “GC” is consistent with the “Wichita Land Use Guide” of the 1999 Update to the Wichita/Sedgwick County Comprehensive Plan, which identifies the property as appropriate for “commercial”. Likewise, the Wichita/Sedgwick County Comprehensive Plan encourages “the concentration of multi-family residential and mixed use commercial development to activity centers within the central Wichita area.”
5. Impact of the proposed development on community facilities: No significant impacts are identified.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **DUNLAP** seconded the motion, and it carried (9-0).

7. **Case No.: ZON2004-36 (Associated with SUB2004-65)** – Bob Schneider (applicant/owner); Baughman Company, PA, c/o Terry Smythe Request Sedgwick County Zone change from “RR” Rural Residential to “SF-20” Single-family Residential on property described as;

Commencing at the SE corner of the NE 1/4 of Sec. 12, Twp. 27-S, R-3-W of the 6th P.M., Sedgwick County, Kansas; thence northerly along the east line of said NE 1/4, 1279.28 feet to the intersection with the extended north right-of-way line of La Vista Drive as dedicated in Lake Vista Addition, Sedgwick County, Kansas; thence westerly at an included angle of 89 degrees 39', parallel with the north line of said NE 1/4, and along the extended north right-of-way line of said La Vista Drive, 430.00 feet; thence northerly parallel with the east line of said NE 1/4, 378.80 feet; thence easterly parallel with the north line of said NE 1/4, 200.00 feet; thence northerly parallel with the east line of said NE 1/4, 460.00 feet for a point of beginning; thence westerly, 725.00 feet; thence southerly, 761.45 feet, more or less, to a point on the north right-of-way line of said La Vista Drive, said north right-of-way line being a curve to the left; thence northwesterly, westerly, and southwesterly along said curve, having a central angle of 78 degrees 11'25" and a radius of 260.00 feet, an arc distance of 354.82 feet to the P.R.C. of a curve to the right in the north right-of-way line of said La Vista Drive; thence southwesterly and westerly along said curve, having a central angle of 38 degrees 00'00" and a radius of 150.00 feet, an arc distance of 99.30 feet, more or less, to the NE corner of Lot 16, Block A, in said Lake Vista Addition; thence northerly along the extended east line of said Lot 16, 200.00 feet; thence westerly parallel with the north line of said Lot 16, 180.00 feet to the intersection with the extended west line of said Lot 16, said intersection also being 1555.00 feet west of the east line of said NE 1/4 as measured parallel with the south line of said NE 1/4; thence northerly to a point 622.29 feet south of the north line of said NE 1/4 as measured parallel with the east line of said NE 1/4 and 1555.00 feet west of the east line of said NE 1/4 as measured parallel with the north line of said NE 1/4; thence northerly parallel with the east line of said NE 1/4, 622.29 feet to a point on the north line of said NE 1/4, said point being 1555.00 feet west of the NE corner of said NE 1/4; thence easterly along the north line of said NE 1/4, 500.25 feet; thence southerly parallel with the east line of said NE 1/4, 230.00 feet; thence easterly parallel with the north line of said NE 1/4, 223.15 feet; thence northerly parallel with the east line of said NE 1/4, 230.00 feet to a point on the north line of said NE 1/4; thence easterly along the north line of said NE 1/4, 601.60 feet to a point 230.00 feet normally distant west of the east line of said NE 1/4; thence southerly parallel with the east line of said NE 1/4, 486.18 feet, more or less, to the point of beginning, all being subject to road rights-of-way of record. General Location on the south side of 21st Street North, 250- feet west of 215th Street West.

BACKGROUND: The applicant is seeking "SF-20" Single-family Residential zoning for 21.54-acres of land located west of 215th Street West and south of 21st Street North. The property is currently zoned "RR" Rural Residential and is currently used for agriculture. The applicant is proposing to develop 17 one-acre lots. With the property's current zoning, two-acre home sites could be created, subject to platting without rezoning. Creation of lots less than two acres in size requires a zone change. The applicant has a Final Plat, the Lake Vista 2nd Addition, prepared for the site. Platting issues include individual alternative sewer systems, if available using Rural Water District #4, drainage, County Fire requirements, access control and improvements to the proposed streets.

Surrounding properties are all zoned "RR" Rural Residential, with one exception; the "SF-20" zoned 16-lot Tower Lakes Addition (residences generally built in the late 1980s to the mid 1990s) located northeast of the site and across 21st Street North. The other properties north of the site, across 21st Street North, are developed as approximately 1.5-acres to over 5-acre single-family residential tracts (large residences generally built in the late 1990s to the present), or are being used for agriculture. The properties to the south of the site are developed as a farmstead and a large lot residential subdivision, the Lake Vista Addition, containing over 40 lots, ranging in size from 0.42-acres to 1.72-acres. The residences in the Lake Vista Addition were generally built from the late 1960s to the mid 1980s. Agricultural land, farmsteads and large tract single-family residences are located to the east and west of the site. The density of the residential development around the 215th Street West and 21st Street North intersection give the area a suburban look.

CASE HISTORY: The Lake Vista 2nd Addition Preliminary Plat was approved June 17, 2004.

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential	large tract residential, agricultural,
"SF-20" Single-family Residential	large lot residential
SOUTH: "RR" Rural Residential	large lot residential, agricultural
	farmsteads
EAST: "RR" Rural Residential	large tract residential, agricultural
WEST: "RR" Rural Residential	agricultural, large tract residential,
	farmsteads

PUBLIC SERVICES: Both 215th Street West and 21st Street North are paved two-lane County highways. No public sewer or water service is available. The site is in Rural Water District #4.

CONFORMANCE TO PLANS/POLICIES: The *Sedgwick County Development Guide* depicts this site as appropriate for "rural" uses. The category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding properties are zoned "RR" Rural Residential with a mix of agricultural uses and numerous large tract and platted large lot residences. The Tower Lakes Estates Addition, located northeast of the site, is zoned "SF-20".
2. The suitability of the subject property for the uses to which it has been restricted: As currently zoned, the site could be developed with two-acre or larger residential lots or continue to be used for agriculture.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The property abutting the south of the application area has been developed with the Lake Vista Addition, containing over 40 lots, ranging in size from 0.42-acres to 1.72-acres. The Tower Lakes Addition, northeast of the site is zoned "SF-20" and contains 16 lots ranging in size from less than an acre to one lot over 3-acres. The applicant is asking for the proposed zoning to allow for the development of one-acre lots, so it is difficult to find that approval of the request will detrimentally affect nearby properties. Issues that have been raised in similar cases dealt with: increased traffic that cause faster road deterioration; depletion and/or greater potential of pollution of groundwater supplies; loss of rural character; complaints about agricultural activities and increased drainage.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would provide additional choice to the rural/suburban housing market in the area. Denial would presumably cause a marketing and/or financial hardship on the applicant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Sedgwick County Development Guide* depicts this site as appropriate for "rural" uses. The category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. The site is located within an unincorporated part of Sedgwick County and outside the 2030 Urban Service Area.
6. Impact of the proposed development on community facilities: Traffic will increase causing an increased need for road maintenance, and requests for publicly supplied services such as sheriff protection and code enforcement will increase.

BILL LONGNECKER Planning staff presented staff report.

TERRY SMYTHE, BAUGHMAN COMPANY We are in agreement with staff comments.

MITCH MITCHELL Under recommendations, Item 3 states a general concern about the depletion and/or greater potential of pollution of groundwater supplies. Is there specific reference to this case?

LONGNECKER These comments are from similar cases and were concerns that were brought up during the public hearing process of similar zone change request. In this case the County has not found these concerns to be issues.

WAYNE MAAS, 21901 LAVISTA DR., GODDARD KS 67052 I am concerned about the road deterioration along here. This road is not very well maintained to begin with and with more traffic it will deteriorate much faster. Also note all of these terraces on the farmland out here, which are there to prevent the water on them from rushing down on us. Presently whenever we get rain the water comes off the farmland, then goes across the road and washes out to this creek. I am concerned about the runoff if they take out these terraces and flatten all this land, then there would be nothing to hold that run off, which is already significant. It may come straight off here and flood my front yard.

Notice this house, these people are trying to sell their home. When this plat comes out, the street comes out there and this plat's street actually goes right onto their driveway. I am also concerned about the groundwater. If they are going to have one-acre lots the septic system will not be like a lagoon pond, but will be a lateral line system. I don't mind that, but because of run off and erosion I have had to move my lateral line from this side of my property to this side. This side had eroded so badly, plus I think it is also in the flood plain, that the lateral lines were exposed.

GIBBS When was your home built?

MASS My home was built in 1978 and I bought it about 10 years ago.

RAY GATTIS, 21810 LAVISTA DRIVE, GODDARD, KS 67052 These terraces are the only things keeping the water out of my basement now. My house was built between two terraces and these terraces keep water out of my property and my well. If these terraces are taken down I am going to catch all the fertilizer off these lawns and anything else from these yards up land from me. There is also a pond that is going to catch all the fertilizer as well. I don't mind two-acre lots but I don't agree with one-acre lots.

SMYTHE We have met with the individual to the southwest and resolved the issue of her driveway being through this property and the platted street. She is in agreement with what we are doing. In terms of the drainage we have to meet all the subdivision requirements. These approximately 200-foot (x) 200-foot one-acre lots have plenty of room in the back yards to handle existing drainage and to get runoff water where it is suppose to. Part of the requirements of the Subdivision Regulations is that we can't cause any detrimental effect, meaning I can't change the property between my house and your house and cause drainage to go that particular way. The County is comfortable with the Drainage Plan as well.

MITCHELL Do you know what sewer system you are going to use on these one-acre lots?

SMYTHE I was told it will be the new systems that are out there.

MITCHELL Alternative Sewer System?

SMYTHE Yes.

DUNLAP Is that in a community mode or individuals?

SMYTHE I believe it is individuals.

MOTION: Approve subject to staff comments.

WARNER moved, **DUNLAP** seconded the motion, and it carried (9-0).

- 8a. **Case No.: CUP2004-30 DP277 (Associated with ZON2004-35 – City case) CUP2004-29 DP277 (Associated with ZON2004-34 – County case)** - Bruce and Sharon K. Brown (owner); Professional Engineering Consultants, PA c/o Rob Hartman (agent) Request Creation of the Bruce Brown Property Community Unit Plan on property described as;
- 8b. **Case No.: ZON2004-35 (Associated with CUP2004-30 DP277 – City case) ZON2004-34 (Associated with CUP2004-29 DP277 – County case)** - Bruce and Sharon K. Brown (owner); Professional Engineering Consultants, PA c/o Rob Hartman (agent) Request Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial (City case) Sedgwick County Zone change from "SF-20" Single-family Residential to "LC" Limited Commercial (County case) on property described as;

CUP2004-29 & CUP2004-30 LEGAL ONLY

Part of the Northwest Quarter of Section 10, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence S 0 degrees 45'57" E along the west line of said Northwest Quarter, 1014 feet to the point of beginning; thence N 89 degrees 16'46" E parallel with the north line of said Northwest Quarter, 1589.06 feet to the west line of Lot 1, Block A, First Bible Baptist Church Addition, Sedgwick County, Kansas; thence S 0 degrees 43'14" E along the west line of said Lot 1, 849.0 feet to the Southwest corner of said Lot 1; thence N 89 degrees 16'46" E along the south line of said Lot 1, 643.46 feet to the west line of the John Sedgwick Expressway, described on Film 882, Page 537; thence S 4 degrees 23'28" W along the west line of said Expressway, 501.29 feet; thence S 6 degrees 58'05" E along the west line of said Expressway 283.85 feet to the north right-of-way of the Burlington-Northern Railroad; thence S 89 degrees 01'57" W along the north right-of-way of Burlington-Northern Railroad, 2217.47 feet to the west line of said Northwest Quarter; thence N 0 degrees 45'57" W along the west line of said Northwest Quarter, 1640.02 feet to the point of beginning; subject to the west 50 feet, thereof, for road right-of-way.

ZON2004-34 LEGAL ONLY

PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE S0 degrees 45'57"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1312 FEET TO THE POINT OF BEGINNING; THENCE N89 degrees 16'46"E PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER 998.00 FEET; THENCE S0 degrees 43'21"E A DISTANCE OF 610.00 FEET; THENCE N89 degrees 16'46"E A DISTANCE OF 1228.98 FEET TO THE WEST LINE OF JOHN SEDGWICK EXPRESSWAY, DESCRIBED ON FILM 882, PAGE 537; THENCE S4 degrees 23'28"W ALONG THE WEST LINE OF SAID EXPRESSWAY, 442.05 FEET; THENCE S6 degrees 58'05"E ALONG THE WEST LINE OF SAID EXPRESSWAY 283.85 FEET TO THE NORTH RIGHT-OF-WAY OF THE BURLINGTON-NORTHERN RAILROAD, THENCE S89 degrees 01'57"W ALONG THE NORTH RIGHT-OF-WAY OF BURLINGTON-NORTHERN RAILROAD, 2,217.47 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N0 degrees 45'57"W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 1342.02 FEET TO THE POINT OF BEGINNING.

ZON2004-35 LEGAL ONLY

PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE S0 degrees 45'57"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1014 FEET TO THE POINT OF BEGINNING; THENCE N89 degrees 16'46"E PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER 1589.06 FEET; TO THE WEST LINE OF LOT 1, BLOCK A, FIRST BIBLE BAPTIST CHURCH ADDITION, SEDGWICK COUNTY, KANSAS; THENCE S0 degrees 43'14"E ALONG THE WEST LINE OF SAID LOT 1, 849.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N89 degrees 16'46"E ALONG THE SOUTH LINE OF SAID LOT 1, 643.46 FEET TO THE WEST LINE OF JOHN SEDGWICK EXPRESSWAY, DESCRIBED ON FILM 882, PAGE 537; THENCE S4 degrees 23'28"W ALONG THE WEST LINE OF SAID EXPRESSWAY, 59.24 FEET; THENCE S89 degrees 16'46"W A DISTANCE OF 1228.98 FEET; THENCE N0 degrees 43'21"W A DISTANCE OF 610.00 FEET; THENCE S89 degrees 16'46"W 998.00 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N0 degrees 45'57"W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 298.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 871,715 SQUARE FEET OR 20.01 ACRES MORE OR LESS. Generally located On the east side of Greenwich Road approximately one-fourth mile south of 21st Street North.

BACKGROUND: The applicant is requesting to create DP-277 Bruce Brown Property Community Unit Plan, a 70-acre development with 12 parcels located east of Greenwich Road approximately one-fourth mile south of 21st Street North. The property is located partly in the City of Wichita and partly in the unincorporated area of Sedgwick County.

Five parcels, ranging from one acre to 1.6 acres in size, are located along Greenwich Road. A proposed interior street loops through the development and the remaining seven parcels have access off this interior street. Two of the parcels, Parcel 11 and Parcel 12, are long narrow parcels that back onto the right-of-way of K-96. Two large reserves (Reserve A, 10+ acres; Reserve B, 6+ acres) are included to handle significant drainage requirements across the tract.

Identical uses are proposed for all parcels. These would be all uses permitted by right in "LC" except group homes; correctional placement residences; vehicle storage yards; vehicle repair, general; outdoor storage; pawn shops; taverns; nightclubs; asphalt or concrete plants; adult entertainment. The C.U.P. requests that Conditional Uses be permitted by C.U.P. amendment or C.U.P. adjustment. This is contrary to the Unified Zoning Code restriction that C.U.P. adjustments cannot be used to increase the intensity

of uses allowed by a C.U.P. Note, that the original submittal included warehouse, self-service storage for Parcels 11 and 12 but a revised submittal excluded this use, which is a Conditional Use in "LC" and requires compliance with specific Unified Zoning Code conditions.

Maximum building coverage varies from 20 percent to 30 percent and averages 24 percent. Maximum gross floor area is the same for the five parcels along Greenwich Road. It would be allowed to increase for the interior parcels for hotel or motel use. Maximum number of buildings is unspecified. Residential densities are limited to 18 dwelling units per acre for Parcels 5, 11 and 12. Maximum building height is requested at 55 feet, which is more than the typical height for C.U.P.s of 35 feet.

Setbacks are 35 feet along the streets, but no setback is shown for exterior property boundaries. This conflicts with the Unified Zoning Code requirement of 35 feet along exterior property lines and requires governing body approval to override the standard 35-foot C.U.P. nonresidential minimum setback.

No architectural consistency is required between parcels. Buildings within certain parcels (Parcels 2, 4, 6 and 10) are to be consistent. Predominately metal facades are prohibited on all parcels except Parcels 11 and 12 if used for warehouse, self-service storage. Landscape palette, lighting and signage would be consistent for all parcels except Parcels 5, 11 and 12.

Masonry screening walls would be required on exterior property lines per Unified Zoning Code unless parcels are developed with residential use. Screening and landscape buffer requirements are required for commercial use adjacent to any residential use; screening and landscape buffers are also required for multi-family use adjacent to "TF-3" Two-family Residential or more restrictive residential zoning. Landscape street yards are required along Greenwich and the interior loop street that is designated as a collector street.

All freestanding signs are to be monument type signs spaced a minimum of 150 feet apart. One tall sign, 45 feet in height and a maximum sign face of 325 square feet, is requested along K-96. Two signs at the major entrances on Greenwich are requested at 30 feet in height and 300 square feet in size; remaining signs for the parcels along Greenwich would be 20 feet in height and 200 square feet in size, subject to an overall limitation of no more than 0.8 x lineal frontage of sign face square footage along Greenwich. On the collector street, signage would be up to 15 feet in height and 100 square feet in size. Window signage is limited to 25 percent of the window area. Off-site and portable signs are prohibited.

Cross-lot circulation is required of all adjacent commercial parcels and a pedestrian circulation plan is required for all parcels. The original submittal also included the street looping through the development to the north.

The site is currently a large estate, bordered by K-96 on the east and an abandoned railroad track on the south. Also, a 100-foot easement for an electric transmission line covers the southern 100 feet of this tract.

Most of the surrounding area is transforming into a highly developed corridor along 21st Street North and Greenwich from K-96 southward. The property to the west, DP-274 Oak Creek and DP-266 The Woodlands is approved for a mixed-use development split fairly evenly between commercial (53 acres), office (41 acres) and residential (40 acres). The commercial has added prohibitions on convenience stores with gas islands and service stations on all but three parcels, and lower maximum building heights of 35 feet except for office parcels that are increased to 45 feet. The property to the southwest is zoned "GI" General Industrial and is an existing concrete plant. The property to the north and east is zoned "SF-5". The strip along 21st Street North is zoned "LC" and governed by P-O #128 for commercial use. A request for rezoning and a C.U.P. has been filed for this property. More commercial development is occurring between 21st Street North and K-96, including a SuperTarget on the northwest corner of the 21st/Greenwich intersection. A large medical facility is being constructed on property zoned "GO" east of K-96. An abandoned railroad tract separates the property to the south, which is zoned "SF-20" Single-family Residential and "TF-3". The "TF-3" tract is part of a mixed residential/church development, Chapel Hill Subdivision.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5"	Undeveloped
SOUTH: "SF-20"; "TF-3"	Vacant
EAST: "GO"	Office under construction
WEST: "SF-20"; "GI"	Vacant, concrete plant

PUBLIC SERVICES: 2002 traffic counts for 21st Street North were 4,241 cars per day. The 2030 projection for 21st Street North was 22,000 vehicles per day. However, these projections do not account for proposed and likely new developments that are being discussed in this vicinity. These developments would likely have increased the projections for traffic volumes significantly.

A traffic study for the 21st/Greenwich corridor was recently completed to identify improvements needed to accommodate increased traffic in the corridor, but the projected volumes for this tract used in the traffic study were significantly less than for uses proposed by this C.U.P. (and the one filed for the abutting property to the north and east). The projections were based on 15 acres of commercial, 80 acres of office and 40 acres of residential. DP-277 requests 68 acres of commercial, and the application pending for the abutting property requests 59 acres of commercial. If developed in this manner, using the average peak volumes in/out for commercial use used in the traffic study, the trips in would be a five-fold increase and the peak trips out would double. (Note: the apparent discrepancy is because office use, which was 80 acres in the original study, have ten times the trips out as trips in during the peak hour, indicating a larger spread in arrival times to office uses but more uniformity in departure times.)

Currently, Greenwich is improved as a two-lane county arterial across the frontage of this proposed development. The C.U.P. proposes two major openings onto Greenwich, one other full movement opening, and two right-in/right-out openings. The access points generally conform to the access management policies for urban standards and align with the property to the west of Greenwich.

Improvements are proposed for Greenwich to be constructed in 2005 as a 4/5 lane arterial road. Other normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "low density residential". The project is not in conformance with this recommendation.

Commercial Objective III.B encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.1** seeking to channel new strip commercial uses to areas identified on the "Wichita Land Use Guide", and **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. **Commercial Locational Guideline #3** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed C.U.P. is only partially in conformance with the Comprehensive Plan commercial objective/strategies and land use locational guidelines for minimizing detrimental impacts and planned development, and expands the limits of commercial use beyond that shown on the Land Use Guide.

Residential Objective II.A.1 seeks to use community unit plans and other tools to promote mixed use development, higher density residential environment and appropriate buffering. The proposed C.U.P. would allow for residential development meeting these objectives.

RECOMMENDATION: The tract is located between a development approved for commercial use along the west side of Greenwich and K-96 on the east. The property to the north is shown for commercial use on the Comprehensive Plan. The property to the south is separated by a 100-foot utility easement and the abandoned railroad right-of-way.

However, the overall amount of commercial development, as requested by this application, exceeds expectations of the Land Use Guide and the recent traffic study. It is more intensive than similar development approved for the west side of Greenwich, including use restrictions on vehicle-oriented uses for certain parcels and restaurants with drive-through windows within 200 feet of residential use. It does not conform to the pattern of commercial use east of K-96 with commercial use along 21st, reduced to "GO" farther south of the 21st. No reduction in intensity of use is proposed for the southern property line. The proposed recommendations are designed to align this development to the intensity and pattern of the nearby developments.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2004-29/ZON2004-30) to "LC" Limited Commercial for Parcels 1, 2, 3, 4, 7, 8, 9, 10 and "GO" General Office for Reserves A and B and Parcels 5, 6, 11 and 12 subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-274), subject to the following conditions:
 1. The applicant shall guarantee for a continuous accel/decel lane and southbound center left-turn lane at major openings on Greenwich Road at time of platting.
 2. The applicant shall guarantee proportionate share of traffic signalization for major openings at the time of platting.
 3. The C.U.P. shall allow for the connection of the interior collector street to the development to the north and or east.
 4. Specify that adding a Conditional Use would require a C.U.P. amendment. (GP #3 and GP #23)
 5. Revise Proposed Uses for Parcels 5, 6, 11 and 12 to exclude correctional placement residences. Hotel or motel use would be permitted for Parcels 5, 6, 11 and 12 subject to the supplemental use requirements of the Unified Zoning Code, except a waiver of the arterial street requirement is approved. Self-storage warehouse would be permitted for Parcels 11 and 12 subject to the supplemental use requirements of the Unified Zoning Code, except a waiver of the continuity with less restrictive zoning and the arterial street requirements is approved.
 6. Revise building heights to 35 feet for Parcels 1, 3, 7, 8 and 9. Revise building heights for Parcels 10 and 11 to 35 feet except for hotel or office use.
 7. Add building setbacks of 35 feet to the east and 100 feet to the south C.U.P. boundaries.
 8. Add drinking establishments to the list of prohibited uses on General Provision #3.
 9. Add to General Provision #3: "Parcels 1, 2, 3, 4, 9 and 10 shall prohibit service stations, convenience stores with gas islands, and vehicle service or repair. Drive-in or drive-through facilities shall not be permitted within 200 feet of residentially zoned property or facing residential districts."
 10. Include in General Provision #8D: "whether interior or exterior".
 11. Add to General Provision #8F: "Maximum number of freestanding signs on Greenwich shall be seven."
 12. Add to General Provision #8G: "and not exceed 0.5 times lineal street frontage."
 13. Add to General Provision #10A: "Buildings on Parcels 1, 3, 7, 8 and 9 together as a group shall have similar predominant exterior building materials, unifying architectural characteristics, and share a similar color palette."
 14. Add to General Provision #17A: "single-family or two-family use."
 15. Add to General Provision #19: that connects buildings to arterial and collector sidewalks and to adjacent buildings."
 16. Add to General Provision #22: "... and collector streets. The C.U.P. must ensure that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping."
 17. Add to General Provision #24: "limited to a maximum of 40 percent gross floor area."
 18. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 19. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

20. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
21. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-277) includes special conditions for development on this property.
22. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most of the surrounding area is transforming into a highly developed corridor along 21st Street North and Greenwich from K-96 southward. The property to the west, DP-274 Oak Creek and DP-266 The Woodlands is approved for a mixed-use development split fairly evenly between commercial (53 acres), office (41 acres) and residential (40 acres). The commercial has added prohibitions on convenience stores with gas islands and service stations on all but three parcels, and lower maximum building heights of 35 feet except for office parcels that are increased to 45 feet. The property to the southwest is zoned "GI" General Industrial and is an existing concrete plant. The property to the north and east is zoned "SF-5". The strip along 21st Street North is zoned "LC" and governed by P-O #128 for commercial use. A request for rezoning and a C.U.P. has been filed for this property. More commercial development is occurring between 21st Street North and K-96, including a SuperTarget on the northwest corner of the 21st/Greenwich intersection. A large medical facility is being constructed on property zoned "GO" east of K-96. An abandoned railroad tract separates the property to the south, which is zoned "SF-20" Single-family Residential and "TF-3". The "TF-3" tract is part of a mixed residential/church development, Chapel Hill Subdivision.
2. The suitability of the subject property for the uses to which it has been restricted: The area is rapidly developing. "SF-20" Single-family Residential with large lots is inappropriate. "SF-5" is more suitable than "SF-20".
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The most significant impact would be on the property to the west and south. The recommended conditions are intended to reduce the impact on the property to the west by eliminating a potential strip development of gas stations and drive-through restaurants with no architectural materials compatibility. The modifications to zoning and setback and height restrictions would reduce potential impacts to the residential development to the south, and make the use similar to intensity to the land under development east of K-96.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "low density residential". The project is not in conformance with this recommendation. **Commercial Objective III.B** encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.1** seeking to channel new strip commercial uses to areas identified on the "Wichita Land Use Guide", and **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. **Commercial Locational Guideline #3** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed C.U.P. is only partially in conformance with the Comprehensive Plan commercial objective/strategies and land use locational guidelines for minimizing detrimental impacts and planned development, and expands the limits of commercial use beyond that shown on the Land Use Guide. **Residential Objective II.A.1** seeks to use community unit plans and other tools to promote mixed use development, higher density residential environment and appropriate buffering. The proposed C.U.P. would allow for residential development meeting these objectives.
5. Impact of the proposed development on community facilities: The increased traffic from higher intensity of use than projected by the traffic study can be addressed by accel/decal lanes, left-turn lanes and possible signalization.

DONNA GOLTRY Planning staff presented the staff report. The agent has suggested some modifications to conditions that we are in agreement on, and two modifications that we would like to present to MAPC today. (Ms Goltry gave a summary of development in the area.) If you could turn to page 5 of the staff report, that is where we had recommended approval, subject to modifications, and that would be subject to platting within one year and subject to the conditions. Basically, we had recommended GO on the parcels that are in the back—that would be Parcel 5, Parcel 6, Parcel 11 and Parcel 12—GO rather than LC to keep the LC uses up toward the Greenwich Road frontage. I believe the applicant is still requesting the LC blanket uses. We have discussed a possibility, too, of limiting it to GO uses but going with the LC zoning. That's not strictly a sleight of hand, because, one of the big differences between GO and LC is not just the uses. It's the signage, wall signage in particular. And so, by going to the LC, they do get more wall signage, even if restricted to GO uses. That's one issue I will present to you (MAPC) to discuss today.

In terms of all the other conditions, jumping down to page 5, the applicant is in agreement with those. Turning over to page 6, on Item #6, the request for the 55 feet of height—whereas we were concerned that most of the height along Greenwich should be kept lower, there was the concern of the possibility of maybe one taller building for, perhaps, a hotel use. And so, we discussed and were in agreement on allowing 35 feet height for all of the parcels except for one along Greenwich, which would be allowed to go to 55 feet, and 55 feet for the remaining parcels.

In terms of drinking establishments, the request was to eliminate drinking establishments altogether. The applicant had intentionally wanted to allow drinking establishments. The compromise position that we are in agreement on, that you can discuss if you are in disagreement with us, is that they would be allowed a maximum of three drinking establishments on the parcels. And that's the same amount that was allocated to The Woodlands (also known as Oak Creek), which is the property across the street. And that's the basis on which the number three was arrived at—that it is similar in intensity to the use across the street.

The second issue that I will present to you that we didn't quite come into agreement on, Item #9. We're in agreement except for distribution of convenience stores. I had suggested that the convenience stores be limited to two parcels, Parcels 7 and 8, which are located along the southern drive. That is because the property across the street, The Woodlands, also has excluded convenience store on all their parcels except the very corner at 21st and Greenwich and those two parcels (pointing at the two parcels across from Parcels 7 and 8). So that was for similarity. My understanding is that the applicant is in agreement with two convenience and service stations, but would like the ability to locate them wherever along Greenwich.

I believe you are in agreement with all other staff conditions down to #17, with modification to eliminate the gross floor area on one parcel. Our findings are given on the next page. I should say, as to why I would differ in terms the GO versus the LC: a lot of this is predicated on the Comprehensive Plan did show this as low density, that the traffic study did use lower density numbers; they used on 15 acres of commercial when computing the traffic study. So on that flip-side of the chart, it shows it would be good to keep down the intensity and not have a blanket-LC property. On the flip-side on the other side, of course, we do expect Greenwich to become a six-lane road. So there will be some ability to handle Rock Road-like traffic. Questions?

MITCHELL The Reserve at the upper right hand corner is labeled (B), and there is already a Reserve B. I think it should be Reserve C?

GOLTRY That is true, that should be Reserve C.

MITCHELL I don't know where that Reserve C ends. Is it right in the middle of that 1529' dimension?

HARTMAN Yes.

GOLTRY If you read through the staff report, you see that one of the reasons that the alignment looks the way it does is because their original design they came in with was actually preferable, from our standpoint, because it did show the road continuing on to the north and so we have asked for that cross lot connection and they are in agreement so long as the property to the north provides the same.

BARFIELD What is your definition of a drinking establishment?

GOLTRY To be a drinking establishment restaurant, you have to have more than 50% of revenues coming from food and non-alcoholic beverages not including the setups. So if it is a drinking establishment there is no need to have the food component to it.

BARFIELD We are talking about five parcels you are recommending in GO zoning?

GOLTRY Actually four parcels. The four I pointed out earlier, the back ones--5, 6, 11 and 12.

BARFIELD How many drinking establishments have they requested? Was there a difference between what they requested and what you recommended in terms of revised recommendations?

GOLTRY No, we are in agreement with the three drinking establishments.

DUNLAP You were referring to Oak Creek on the west side quite a bit. In Item 6 we are talking about a 55 foot building, did we allow 55 feet on the west side also?

GOLTRY They had some interior ones for office use at 55 feet, yes. And for multi-family.

DUNLAP The same thing applies for the alignment of the entrances?

GOLTRY Yes, they were aligned.

DUNLAP Did we require Oak Creek to move their road to align with something or not?

GOLTRY That is that collector street on the northern part. Where you see that Reserve C, the original drawing that came in had a Bradley Fair-like loop all the way around, starting at Greenwich and ending at 21st, which would be a very good internal network for both developments. What we're asking is that they provide the ability and we'll be asking the other development too. It's one of those things we'll have to argue.

DUNLAP I am not disagreeing with that because I don't want George to come up here and say you made me move my road and they put theirs where I was going to put mine. I think that may be what I'm seeing. But it's not relevant to this case.

Goltry Yes

GEORGE LAHAM, 150 N. Market, Wichita, KS I am the development consultant for Bruce and Sharon Brown who are the owners of the property. Bruce and Sharon live on this property today and have lived out there for about seven years. Bruce's father actually owned all of the land from 13th Street, clear over to 21st Street, past 21st Street, past K-96, and on the west side of Greenwich Road where Super Target and Regency Lakes is. I think he acquired all that land back in 1960's. Bruce and Sharon enjoy living out there, but with what's going on around them, we've been having discussions on how to plan for the future. What we tried to do is design a community unit plan that gives them a lot of flexibility for future uses out there. They don't have any plans today to do any development, but with Oak Creek to the west and with the new development coming on to the north of them, they are trying to get in a position to where they can be prepared and have some alternatives. The reason why we would like to have light commercial instead of GO along the eastern portion of the property is because it is on the highway, and we want to have the ability to do a hotel and other permitted uses in the light commercial zoning. Also, if you look at the property, there is a significant amount of reserves that go right through the middle of it. And you can see these parcels that surround it are very unusual shapes. And so, again, that's

going to restrict what can happen on those parcels, and I don't want to further restrict it by having just general office. I'd like to have the ability if there is a need for a non-GO zoning use, we'd like to have the ability to do that.

And, as far as the other issue of convenience store or service station issue, although we don't know if that is going to be use at this time, we would like the ability to put it anywhere along the Greenwich pad sites out there. I have one correction. I believe the Oak Creek Development I believe their maximum building height is 45 feet not 55 feet.

GOLTRY Your right, it is 45 feet.

LAHAM So we would like 55 feet on the building height, we just announced a new hotel at the Plazzio development at 13th & Greenwich where we have a hotel on a pad site, and we have 55 feet of height for which we had to come back in and do a amendment for that. So, that's the reason we wanted to 55 feet on one pad site on Greenwich Road.

MARNELL I believe we had Oak Creek here earlier this year, and I believe your applicant protested that because of too much commercial in the area?

LAHAM That is correct.

MARNELL So, first protesting there is too much commercial and now wanting to have commercial zoning approved? Would you explain that position change?

LAHAM If commercial was going to be limited at this corner, say 15 acres on the Oak Creek Parcel, the balance of it to be residential, and if the adjacent property to the Brown's on the southeast corner was only 10-20 acres of commercial and the balance was zoned for general office or residential, then we probably wouldn't be here today. But because there is basically over 100 acres of light commercial and general office zoning on the west side of the street, including the entire length of the applicant's property, and since the entire length on the north is being proposed for light commercial zoning, and the fact that they have a contaminated piece of property on the south side of them which is owned by Raytheon, and the fact that they have a concrete plant southwest of them, they are boxed in now. The question is what are the Brown's going to do in five years when they want to sell their property. I don't know that somebody is going to find it desirous to be residential with all these intensive uses around them. At the time that they opposed the last zoning case, there wasn't all these intensive uses around them. There was the concrete plant and the contaminated piece to the south, but to the west and north was a church and a private residence to the west.

BISHOP The Burlington Northern Railroad which goes along the southern edge I think it is unknown what might become of that. Is there going to be, through platting, any desirability to have some connections in case that should be chosen for a trail?

LAHAM Probably not at this time, because it is their private residence. We really haven't addressed the access issue at this time.

TERRY SMYTHE Baughman Company, I live in the general area (Tallgrass East, about a mile away). I am thrilled to be in this area, mainly because the four corners that you have at this intersection are controlled and are going to be developed by the major developers in this town. It is not going to be stripped out. This is going to be a major destination area, done right. I think we need more of that. And, it's not very often you get the developers that could take down large chunks of property like this. You see it stripped out. So I think we need to take advantage of it.

DUNLAP You said eight lanes on Greenwich?

GOLTRY I said six lanes on Greenwich.

DUNLAP That's three north, three south, plus turn lanes?

GOLTRY They don't know the exact configuration.

DUNLAP When are they thinking about doing this?

GOLTRY Soon. It is in design.

DUNLAP I don't see it in the CIP.

GOLTRY It's probably likely that they'll need participation in the traffic signalization and accel/decel. It's probably not likely that they'll need dual left-turn lanes, which would be the reason to add because there will already be chicken lanes.

DUNLAP We get presented with the plats that we are making allowance for the additional width of the road that we are going to need?

GOLTRY This already has the right-of-way shown.

DUNLAP We are going to have a major traffic way here from 254 to Kellogg. And I don't think we are paying enough attention to it, and every time this comes up I'm going to bring it up.

GOLTRY I think the dual left thing is probably one of the things that may become—it's the 6/7 (lanes)--they (referring to traffic engineers) were a little vague when I asked about the need for it--that's why they called it that.

MARNELL Where are you and the applicant in disagreement on the requirements.

GOLTRY Whether or not the entire property is zoned "LC" Limited Commercial or whether a portion of it is zoned "GO" General Office as we originally requested or whether it is a blending of those to limit some of the parcel to "GO" General Office uses but still zoned "LC" Limited Commercial. That was one issue and the other was to allow the two convenience stores with gas islands, service station uses to be distributed anywhere along Greenwich or to be confined to Parcels 7 & 8, which are across the street from where they were in Woodlands.

MOTION: Approve zone change to "LC" Limited Commercial for Condition A.

Condition B1 through B5 would not change.

Condition B6 would be revised to say that building heights of 35 feet for Parcels 1, 3, 7, 8 and 9 except for one parcel up to a height of 55 feet.

Item 8 Drinking establishments would be limited to a total of three.

Item 9 Convenience stores with gas islands, service stations and vehicle service or repair uses will be restricted to no more than two parcels along Greenwich, without designation to which parcel.

Item 17 Except one lot which would be allowed gross floor area allowed larger than 40 percent, no limitation to one parcel.

MITCHELL moved, **DUNLAP** seconded the motion, and it carried (9-0).

9. Other matters/adjournment.

JOHN SCHLEGEL Our agendas for September will be heavy. We have gotten a lot of applications in for September 9th and September 23rd. Some additional items on those agenda will be for September 9th - Public Utility Easements and a Pathways 2004 report that one of our interns prepared. On September 23, we are pretty well along with WABA on the Urban Fringe Development Standards. October 7th will be the McAdams rezoning, and we will also have some proposed amendments for billboards to the Sign Code. On October 21st we will have the Visioneering Report and draft Plan. Are you interested in being a Visioneering Focus Group?

DUNLAP I am on the task force and will be on in Washington.

HENTZEN How many meetings will that be?

SCHLEGEL It will be a one time thing to try and get from you a vision for Wichita.

HENTZEN I am interested in that.

MARNELL Maybe start the meeting at noon that day?

SCHLEGEL Yes.

MILLER Elections will be the First meeting in September.

The Metropolitan Area Planning Department informally adjourned at 3:50 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2004.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)